

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Mark J. Hall	)	CERTIFICATE OF EFS WEB
			)	TRANSMISSION
Appl. No.	:	09/847,759	)	I hereby certify that this correspondence,
			)	and any other attachment noted on the
Filed	:	May 2, 2001	)	automated Acknowledgement Receipt, is
			)	being transmitted from within the Pacific
For	:	SHELF STRUCTURE	)	Time zone to the Commissioner for Patents
			)	via the EFS Web server on:
Examiner	:	Gregory J. Strimbu	)	July 30, 2007
			)	(Date)
Group Art Unit	:	36347	)	<u>Michael Guiliana/</u>
			)	Michael A. Guiliana, Reg. No. 42,611

RESPONSE TO RESTRICTION REQUIREMENT

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement dated July 12, 2007, Applicant elects Group I (Claims 1-24, 26-37, 39, 29-53, and 56-67) for prosecution in the present application.

The present election is being made with traverse. Applicant submits that it is well established that:

If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, **even though it includes claims to independent or distinct inventions**.

M.P.E.P. § 803 (emphasis added).

Additionally, as noted above, Applicant submits that all the presently pending claims read on Group I. This is because all of the features of the species illustrated in Figures 3-5 were originally disclosed in the present Application with reference to the shelf structures illustrated in Figures 1 and 2. Thus, Applicant submits that all the presently pending claims are generic. Even if the Examiner disagrees, Applicant submits that a proper search for the art related to elected Group I would necessarily include the classes and subclasses relevant

Appl. No. : 09/847,759
Filed : May 2, 2001

to a search for the non-elected Groups. Thus, examination of all the claims would not present "a serious burden" on the Examiner.

Additionally, on July 16, 2007, Applicant's counsel, Michael A. Guiliana, discussed the presently outstanding Restriction Requirement with Examiner Strimbu. During that conversation, Applicant's counsel indicated that all the presently pending claims have been thoroughly examined by the previous Examiner, for several years, and prosecution had advanced to the point where substantive rejections were no longer being issued by the Patent Office. Rather, several Office Actions were issued dealing with mere formalistic matters. Thus, Applicant submits that in light of the extended prosecution of all the presently pending claims through multiple Office Actions, it would be improper for the Patent Office to now issue a Restriction Requirement based on the "serious burden" requirement of MPEP § 803. As a result of the conversation, Examiner Strimbu indicated that the Restriction Requirement would likely be withdrawn.

Applicant therefore respectfully requests the present Restriction Requirement be withdrawn.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 30, 2007

By: /Michael Guiliana/
Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Fourteenth Floor
2040 Main Street
Irvine, CA 92614
(949) 760-0404

4074977
073007